


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

JUN 15 2009

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

ANTHONY R. MICKENS,

Plaintiff,

VS.

BANK OF AMERICA,

Defendant.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. SA-09-CA-339-FB

J U D G M E N T

The Court has considered the Judgment to be entered in the above-styled and numbered cause.

Consistent with the Order Accepting Report and Recommendation of the United States Magistrate Judge filed in this cause on this same date,

It is hereby ORDERED, ADJUDGED and DECREED that the Report and Recommendation of the United States Magistrate Judge, filed in this case on May 21, 2009 (docket #10), is ACCEPTED such that Defendant FIA Card Services, N.A.'s Motion to Dismiss for Plaintiff's Failure to State a Claim under Fed. R. Civ. P. 12(b)(6) (docket #4) is GRANTED and plaintiff case is DISMISSED WITHOUT PREJUDICE. Motions pending, if any, are DISMISSED AS MOOT.

It is so ORDERED.

SIGNED this 15th day of June, 2009.


FRED BIERY
UNITED STATES DISTRICT JUDGE